

Town Board Minutes

**Meeting
No. 29**

Regular Meeting

October 16, 1995

MEETINGS TO DATE 29
NO. OF REGULARS 20
NO. OF SPECIALS 9

LANCASTER, NEW YORK
OCTOBER 16, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of October 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR

PUBLIC HEARING SCHEDULED FOR 8:05 P.M.:

At 8:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon the rezone petition of Tim Davis for property situate at 6432 Genesee Street, said rezone from a SGA-Sand and Gravel Aggregates District, to an AR-Agricultural Residential District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioner, the Erie County Division of Planning, and property owners of record within 200 feet of the proposed rezone site, notifying them of the time and place of this Public Hearing.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPOSERS

ADDRESS

None

OPPOSERS

ADDRESS

Gloria Kubicki

15 Maple Drive

COMMENTS & QUESTIONS

ADDRESS

None

ON MOTION BY COUNCIL MEMBER VAN NORTWICK, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:15 P.M.

PUBLIC HEARING SCHEDULED FOR 8:20 P.M.:

At 8:25 P.M., the Town Board held a Public Hearing to hear all interested persons upon the Special Districts Budget for the Year 1996.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

OPPOSERS

None

None

COMMENTS & QUESTIONS

ADDRESS

Donald Symer

610 Columbia Avenue

ON MOTION BY COUNCIL MEMBER VAN NORTWICK, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Tops Markets, Inc. for a Special Use Permit for the building height of a distribution center to be constructed on premises locally known as 5873 Genesee Street.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

None

OPPOSERS

ADDRESS

Dorothy Joseph
David Baehre
Martha Theurer
Mark Jankowiak
Henry Gull
Marie Benkleman
Debbie Moessinger

5962 Genesee Street
5755 Genesee Street
362 Stony Road
1318 Ransom Road
710 Pavement Road
681 Pleasant View Drive
1312 Ransom Road

COMMENTS & QUESTIONS

ADDRESS

Joseph Juszcak
Gloria Kubicki

600 Pleasant View Drive
15 Maple Drive

ON MOTION BY COUNCIL MEMBER VAN NORTWICK, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code - Article IX - Maximum speed limits - pertaining to Ransom Road for northbound and southbound traffic, South from Genesee Street to Walden Avenue.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

David Wind
Dorothy Joseph
Mark Jankowiak
Debbie Moessinger

26 Schlemmer Road
5962 Genesee Street
1318 Ransom Road
1312 Ransom Road

OPPOSERS

ADDRESS

None

COMMENTS & QUESTIONS

ADDRESS

None

ON MOTION BY COUNCIL MEMBER POKORSKI, AND SECONDED BY COUNCIL MEMBER VAN NORTWICK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:10 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board
and the Planning Board held on October 2, 1995, and the Regular Meeting of the
Town Board held on October 2, 1995, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, M.A. Tufillaro Builders, Inc., 153 Bramble Court, Williamsville, New York 14221 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Queen's Park Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Queen's Park Subdivision be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 424 - Street Lights

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RPIP (P10-11)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, Lancaster Mall, Inc., 2457 Wehrle Drive, Williamsville, New York, has offered to rent to the Town approximately 1,990 square feet of space at premises located at 11 West Main Street, Lancaster, New York, and

WHEREAS, the Town Board has determined that the location and amount of space being offered would be consistent with the Town's need for additional space to carry on its administrative functions, and

WHEREAS, the Town Attorney has negotiated a proposed lease agreement which would be for 2 years commencing October 1, 1995 with an option to renew for 1 additional year, with annual rentals of \$13,000.00 for the 1st year, \$14,200.00 for the 2nd year, and \$15,400.00 for the option year, plus utilities, and

WHEREAS, the Town Board has determined that the length of the proposed lease and the rental therefor, is satisfactory;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. The Supervisor is hereby authorized to execute, on behalf of the Town, a written lease agreement for approximately 1,990 square feet of space at premises located at 11 West Main Street, Lancaster, New York.

2. Upon full execution of same, an original thereof shall be filed in the Town Clerk's office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File:RLAGRWM.995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds within the Engineering, Safety Inspection and Disaster Preparedness Departments of the General and Part Town funds respectively, necessary to cover expenditures anticipated through the year ending 12/31/95.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted General and Part Town Budgets of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
01.1440.406 Telephone	100.00	
01.1440.449 Unclassified		100.00
02.3620.408 Dues and Subscriptions	450.00	
02.3620.412 Education Expense		450.00
02.3670.406 Telephone	200.00	
02.3670.426 Repairs and Maintenance		100.00
02.3670.438 Maint. Materials & Supplies		100.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, the Director of Parks and Recreation of the Town of Lancaster, by memorandum dated October 3, 1995, has recommended the appointment of a certain individual to the position of Recreation Attendant, art time, temporary, for the 1995-1996 Lancaster Exceptional Activities Program (L.E.A.P.) sponsored by the Parks and Recreation Department,

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Recreation Attendant, part time, temporary, for the 1995-1996 Lancaster Exceptional Activities Program (L.E.A.P.) sponsored by the Parks and Recreation Department of the Town of Lancaster, effective October 17, 1995, with no benefits:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Valerie A. Hurst 81 Aurora Street Lancaster, New York 14086	Recreation Attendant	\$5.00 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RPERS.TEM (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER KWAK
TO WIT:

WHEREAS, it is in the public interest to hold a public hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs;

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of November, 1995, at 8:00 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official Newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS
OF THE
TOWN OF LANCASTER

A Public Hearing will be held on the 6th day of November, 1995, at 8:00 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons, and handicapped accessibility, in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by November 1, 1995.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

October 16, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
POKORSKI , TO WIT:

WHEREAS, a Public Hearing was held on the 16th day of October, 1995, for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 16th day of October, 1995;
3. That a Certified copy thereof be published in the Lancaster Bee on October 19, 1995;
4. That a certified copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RVTA.095

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

The Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code of the Town of Lancaster, is hereby amended as follows:

ARTICLE IX - Maximum speed limits.

46-9, Maximum speed limits, is hereby amended as follows:

"46.9

.....

- C. "A speed limit of forty-five (45) miles per hour shall be posted on the following designated highways shall be amended by adding thereto the following:

.....

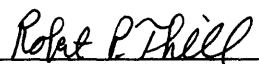
- (14) Ransom Road for northbound and southbound traffic, south from Genesee Street to Walden Avenue.

October 156, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice with the original thereof filed in my office at Lancaster, New York, on the 16th day of October, 1995, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 16th day of October, 1995.


Robert P. Thill, Town Clerk

FILE: RVTAL.095

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested
the Town Board to advertise for bids to furnish New 1996 Police Patrol
Vehicles for use by the Police Department, and

WHEREAS, the Police Committee of the Town Board has approved such
request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form
attached hereto and made a part hereof, be published in the Lancaster Bee,
the official newspaper, and posted according to Law, that the Town will
receive bids up to 10:00 o'clock A.M., Local Time, on November 2, 1995, at the
Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of New
1996 Police Patrol Vehicles for use by the Police Department of the Town of
Lancaster, in accordance with specifications on file in the office of the Town
Clerk.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RPOLVBDL.095

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M. Local Time, on the 2nd day of November, 1995, for furnishing to the Police Department of the Town of Lancaster, New York, New 1996 Police Patrol Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

October 16, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER POKORSKI ,
TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (hereinafter the "Town Board") has received a petition from Tops Markets, Inc., (hereinafter "Tops") for the construction of a Food Distribution Facility (hereinafter the "Facility") to be constructed on premises locally known as 5873 Genesee Street, in the Town of Lancaster, and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), the Town Board, as Lead Agency, designated the construction of the Facility a Type I Action and ordered the preparation of a Draft Environmental Impact Statement ("DEIS"), and

WHEREAS, as part of the considerations in the SEQRA process, the Town Board and the public were made aware of the proposed final height of the Facility as being forty-five (45) feet, and

WHEREAS, Section 50-24 (C) entitled "Design Regulations" of the Code of the Town of Lancaster, requires under subparagraph (6) that any structure over 30 feet in height obtain a Special Use Permit from the Town Board, and

WHEREAS, Tops has submitted an application for a Special Use Permit for the construction of a building with a building height of forty-five (45) feet, and

WHEREAS, appropriate notification of Tops' application for the Special Use Permit was forwarded to the Erie County Division of Planning, and a reply was received therefrom on October 13, 1995, in which no recommendation was made, upon a finding that the proposed action was reviewed and determined to be of local concern.

WHEREAS, the Town Board caused to be published a Notice of Public Hearing to be held on October 16, 1995 at the Town of Lancaster Town Hall on the Special Use Permit, and

WHEREAS, the Town Board did hold the said Public Hearing on October 16, 1995, at which persons for and against such Special Use Permit had an opportunity to be heard, and

WHEREAS, the Town Board has considered the application of Tops for a Special Use Permit, the comments made at the Public Hearing, the information gathered in the SEQRA process including the DEIS, the Final Environmental Impact Statement ("FEIS") and Statement of Findings, and

WHEREAS, the Town Board has reviewed, in addition to the above information, its resolutions for approval of the rezoning of the Facility site and the Site Plan, and all resolutions adopted by the Planning Board, as well as all information submitted to the Town Board and the Planning Board after completion of the FEIS, which information was also considered by the Town Board as part of the approval of the Site Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lancaster as follows:

1. The Town Board finds, in accordance with Section 50-46 of the Town of Lancaster Zoning Code as follows:

- a. The proposed Special Use Permit allowing a height of forty-five (45) feet for the Facility is in accordance with the General Purposes and Intent of the Town Zoning Ordinance, as well as the Town Comprehensive Plan. The Town Board notes that the proposed height of this project was disclosed in the SEQRA process for this project and the harmony of this project with the Town Zoning Code was considered, in detail, as part of that evaluation. For example, the FEIS directly addressed the issues of the Comprehensive Plan in Section 3.10, spot zoning in Section 3.28, and zoning in Section 3.39. Further, the FEIS states at Section 1.2.1 that the Facility "is in accordance with the policies and guidelines of the existing and Draft Comprehensive Plan." The Statement of Findings, under the General Section, paragraph e, stated, "The proposed development is consistent with the intent, objectives and requirement of the comprehensive planning Town Zoning Ordinances." Finally,

the resolution approving the rezoning stated that the rezoning was consistent with the intent and objectives of the Town's Zoning Ordinance.

- b. The Town Board finds that allowing the higher height limit on this building will not depreciate the value of adjacent property. Specifically, the Town Board notes the issue of property depreciation was raised in the SEQRA process. Comment 2 of Section 315.1 of the FEIS states:

Q: How will the proposed development impact the property values of nearby residential properties?

A: Based on research conducted through the Erie County Clerk's Office and Erie County Department of Finance, "The perception that property values would decrease upon development of (a similar) commercial center did not hold true. In fact, property values did appreciate at market averages and, in some instances, much higher than average annual rates."

Additionally, the Board notes that some of the adjacent land is utility property, the value of which is unaffected by an adjacent use.

- c. The Town Board finds that allowing a higher height limitation will not in any manner create a health, safety or other hazard, nor does it propose any type of threat to the general welfare of the community. The Town Board considered the health, safety and general welfare of the community in detail during the SEQRA process. In the Statement of Findings, Section 13, the Board found that police, fire and ambulance service is adequate.
- d. The Town Board finds that allowing a higher height limitation does not change the essential character of the neighborhood. The Town Board has considered in detail the changes to the neighborhood effectuated by the zoning change that preceded this Special Use Permit. The Town Board was aware of the final proposed height at the time it conducted the SEQRA evaluation (which included an evaluation of the aesthetics of the

Facility), approved the Statement of Findings, adopted the rezoning resolution, and approved the site plan. The additional height on this building, which is the sole item granted by the Special Use Permit, does not have any effect on the essential character of the neighborhood, nor will it be detrimental to the residents thereof.

- e. The Town Board finds that approval of the Special Use Permit allowing a higher height will not be detrimental to the public convenience and welfare. The Town Board reiterates its belief, as stated in the Statement of Findings adopted on October 2, 1995, that the proposed project is in the public interest. The Town Board considered the height of the building as part of the considerations in making that determination. The Town Board is aware of no information which changes its basic determination that it is in the best interest of the public to approve this project, including the Special Use Permit for the height proposed.

2. Pursuant to Sections 50-24 (C) (6) and 50-46 of the Town Code, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit for the building height of forty-five (45) feet for the Facility to be constructed by Tops Markets, Inc., at 5873 Genesee Street in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File:RSUPTPSA.095

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, a vacancy exists in the position of member of the
Assessment Review Board of the Town of Lancaster due to the expiration of the
term of appointment of Arthur Herdzik, and

WHEREAS, the Supervisor of the Town of Lancaster has recommended to
the Town Board the appointment of Frank Catalfamo to fill this vacancy,

NOW, THEREFORE, BE IT

RESOLVED, that FRANK CATALFAMO, 44 Liberty Avenue, Lancaster, New
York 14086, be and hereby is appointed a member of the Town of Lancaster
Assessment Review Board for the term October 16, 1995 to September 30, 2000.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED NO
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RPERS.BD (P7)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 4561 to Claim No. 4803 Inclusive

Total amount hereby authorized to be paid: **\$1,036,316.62**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
3000		Classic Pizza	5380 Genesee St	Move Sign
3001		Ryan Homes Inc	38 Village View	Er. Sin. Dwlg
3002		Ryan Homes Inc	47 Michael's Wlk	Er. Sin. Dwlg
3003		Ryan Homes Inc	184 Enchanted Fst S	Er. Sin. Dwlg
3004		Don Forbes	189 Enchanted Fst S	Er. Deck
3005		Majestic Pools Inc	5528 William St	Er. Fence/Pool
3006		Ciminelli Cowper Co Inc	5873 Genesee St	Er. Temp. Sign
3007		Doreen Miller	56 Freeman Dr	Er. Fence
3008		Frank Kubiak	17 Impala Pkwy	Er. Shed
3009		Jean Ann Haniszewski	936 Ransom Rd	Alter Sin. Dwlg
3010		M Gaspar	28 Partridge Wk	Er. Addition
3011		Kiddie Kastle	3966 Walden Ave	Er. Temp Sign
3012		Leo Wheeler	185 Pleasant View Dr	Er. Temp Sign
3013		Anthony Genovese	107 Michael's Wlk	Er. Fence
3014		Lorraine Metz	3 Grace Way	Er. Fence/Pool
3015		Sho Modular Homes	1122 Penora St	Er. Sin. Dwlg
3016		Sunrise Homes	10 Michael Anthony	Er. Sin. Dwlg
3017		All Craft Inc	711 Ransom Rd	Ex. Garage
3018		Roman Szpara	6131 Broadway	Alter Roof
3019		August Schnorr	460 Pleasant View Dr	Dem/Er Pole Barn
3020		William Jelonek	1120 Penora St	Er. Garage
3021		Ryan Homes	11 Park Wlk	Er. Sin. Dwlg
3022		Ryan Homes	2 Primrose Ln	Er. Sin. Dwlg
3023		Judd Quimby	70 Old Post Rd	Er. Pool
3024		T J Povinelli	6 Winding Way	Er. Shed
3025		Larry Evola	25 Woodgate Dr	Er. Fence/Pool
3026 (SW)		Burke Bros	1472 Townline Rd	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, Lucian J. Greco, Budget Officer of the Town of Lancaster, on September 29, 1995, duly filed the tentative budget of said Town for the fiscal year beginning January 1, 1996, with the Town Clerk of said town, and

WHEREAS, the Town Clerk of the Town of Lancaster, duly presented said tentative budget to the Town Board at a regular meeting held on October 2, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that the said tentative budget is hereby approved as and shall become the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1, 1996, and

BE IT FURTHER

RESOLVED, that said preliminary budget shall be filed in the Office of the Town Clerk of the Town of Lancaster and be made available by him to the public for inspection during the regular business hours of the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that a Public Hearing on the Preliminary Budget of the Town of Lancaster for the year 1996, be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of November 1995, at 8:15 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that the necessary Notice of Public Hearing upon the 1996 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Bee, the official newspaper, on October 19, 1995, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

LEGAL NOTICE

TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 1996 PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 1996, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS GIVEN, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:15 o'clock P.M., Local Time, on the 6th day of November 1995, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	47,473.00
- as Budget Officer	4,924.00
Councilman	12,462.00
Councilman	12,462.00
Councilman	12,462.00
Councilman	12,462.00
Town Justice	26,970.00
Town Justice	26,970.00
Receiver of Taxes	38,233.00
Town Clerk - as Town Clerk	45,810.00
- as Clerk to Zoning Board of Appeals	2,195.00
- as Records Management Officer	4,207.00
- as Registrar of Vital Statistics	900.00
Superintendent of Highways	40,500.00

BY ORDER OF THE:

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL,
Town Clerk

October 16, 1995

File: RBUDGETS (P3)

Council Member VanNortwick requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Town has a current agreement with Lancaster Volunteer Ambulance Corps (LVAC) to provide ambulance and related services within the Town of Lancaster, which expires on December, 31, 1996, and

WHEREAS, LVAC is in the process of applying, on its own and without any participation therein by the Town, for appropriate financing in order to own and maintain its own facility, and

WHEREAS, LVAC desires to have a long-term contract with the Town to demonstrate the Town's commitment to continue to provide an ambulance service for the residents of the Town through LVAC so long as LVAC remains an all volunteer, not-for-profit, organization, and

WHEREAS, the Town Board has reviewed a proposed contract which will cover a 10-year period commencing January 1, 1996 and expiring December 31, 2005, and

WHEREAS, the proposed contract requires the LVAC to have its own facility ready for use and occupancy by October 1, 1996, and

WHEREAS, the proposed contract provides that when LVAC vacates its present site at the rear of the Town Hall, the Town will contribute the sum of \$45,000.00 per year to the LVAC as a substitute for providing equipment, vehicles and space, and

WHEREAS, the Town Board deems it in the public's interest to continue to contract with the LVAC under the terms of the proposed agreement, rather than providing other forms of ambulance service, which the Town Board finds not to be in the best interests of the residents of the Town;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Supervisor, on behalf of the Town, is hereby authorized to execute a contract with LVAC to cover the period of January 1, 1996 through December, 2005; and

2. Upon the full execution of said contract, an original thereof shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

October 16, 1995

COMMUNICATIONSDISPOSITION

658. Town Clerk to Town Board - List of contracts expiring December 1995.	TOWN ATTORNEY
659. Berny/Chris Muszynski to Supervisor - Request "No Parking Here To Corner" sign for front of 1 Riemers Ave.	PUBLIC SAFETY COMMITTEE
660. NYSDEC to Town Attorney - Comments re: SEQOR review of Timon Electrical rezone petition (Valencia Park Condos).	PLANNING COMMITTEE
661. Diane Savaterri to Town Board - Request speed reduction on Stony Road and Pleasant View Drive to 35 mph.	PUBLIC SAFETY COMMITTEE HIGHWAY COMMITTEE
662. County Dep. of Public Works to Supervisor - Notice of closing of Stony Rd from 10/6-10/7/95.	R & F
663. Paul/Karen Muccigrosso to Supervisor - Support of reduction of speed limit on Pleasant View Dr.	PUBLIC SAFETY COMMITTEE HIGHWAY COMMITTEE
664. Lancaster H.S. Motorcade Co-Chairpersons to Town Board - Request permission to travel through Town on evening of 10/20/95.	POLICE CHIEF
665. Town Engineer to Town Board - Recommend acceptance of street lighting public improvement on Rotech Dr. within Thruway Industrial Park Complex.	PLANNING COMMITTEE
666. Town Engineer to NYS Thruway Authority - Granting request to install a meter pole within the Freeman Rd. R.O.W. near Maple Rd.	R & F
667. Planning Board to Town Board - Recommend approval, with conditions, of Tops Market, Inc. site plan.	R & F
668. Kimberly McEwen, Youth Counselor, to Supervisor - Request remaining vacation time be held over for use toward maternity leave.	SUPERVISOR
669. Town Clerk to Supervisor - Monthly report for September 1995.	R & F
670. Leona Federowicz to Planning Board Members - Expression of disappointment in Board's action on Tops site plan review and approval.	PLANNING COMMITTEE
671. David Kalmeyer to Town Board - Transmittal of petition requesting traffic signal at intersection of Broadway and Ransom Rd.	PUBLIC SAFETY COMMITTEE
672. Charles E. Philleo to Town Board - Request appointment to position of Bingo Inspector.	R & F
673. Planning Board to Town Board - Minutes from meeting held 9/20/95.	R & F
674. County Health Dept. to Supervisor & Town Board - Approval of completed works for public water in Queens Park Subdivision.	R & F
675. Town Clerk to Planning Board Chairman - Submittal of rezone petition for Love Joy Gospel Church - 5423 Genesee St.	PLANNING COMMITTEE
676. Police Chief to Supervisor - Advisement that Capt. Natalizia will be in charge of Dept. in his absence 10/7-12/95.	R & F

COMMUNICATIONS, CONT'D.:DISPOSITION

677. Dennis M. Reedy to Supervisor and Town Board - Seeks help in resolving parking problems at dead-end on Woodstream Dr.	<u>PUBLIC SAFETY</u> <u>COMMITTEE</u>
678. Town Clerk to Planning Board Chairman - Submittal of rezone petition for Como Village, Inc. - 5799 Broadway.	<u>PLANNING COMMITTEE</u> <u>TOWN ATTORNEY</u>
679. NYSDEC to Town Attorney - SEQR Solicitation for Lead Agency, Summerfield Subdivision - Bowen Road.	<u>PLANNING COMMITTEE</u>
680. Planning Board to Town Board - Minutes from meeting held 10/4/95.	<u>R & F</u>
681. Residents of Robert Dr. to Village Code Enforcer - Concerns re: residents situate at 31 Roberts Dr.	<u>BUILDING INSPECTOR</u>
682. Supervisor to Arthur Herdzik - Letter of appreciation for service as member of Assessment Review Board.	<u>R & F</u>
683. Capt. James Natalzia to Town Board - Request promotion to rank of Assistant Chief of Police.	<u>PUBLIC SAFETY</u> <u>COMMITTEE</u>
684. NYSDEC to Alliance Homes - Notice of Complete Application re: Stony Brook Subdivision, Phase IV.	<u>PLANNING COMMITTEE</u>
685. Timon Electrical Construction to Supervisor - Summary of logistical conclusions re: Valencia Park rezone petition.	<u>PLANNING COMMITTEE</u>

PERSONS ADDRESSING TOWN BOARD:

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

Location of construction entrances to the Tops Distribution Warehouse Site.

Juszcak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

Reply to his concerns expressed in a letter to the Town Board dated May, 1995.

What is being done about prosecuting a person who has dumped and filled a flood plain on Stony Road?

Sherlein, Jack, 5 Alysum Court, spoke to the Town Board on the following matter:

Presented a 23 signature petition urging the Town Board to hold a public hearing to determine the noise and nuisance factors that may be present at a proposed outdoor police firing range in the Aero Drive/Scott Road area of Cheektowaga.

Heckl, Robert, 706 Pavement Road, spoke to the Town Board on the following matter:

Expressed extreme disappointment with Council Member Pokorski for his yes vote on the Tops rezone matter.

Jankowiak, Mark, 1318 Ransom Road, spoke to the Town Board on the following matter:

Pickup of brush.

Status of Master Plan.

Donated land on Cintas project.

Joseph, Eric, 5962 Genesee Street, spoke to the Town Board on the following matter:

Expressed disappointment with Council Member Pokorski for his yes vote on the Tops rezone matter.

Zichittella, Robert, 53 Country Place, spoke to the Town Board on the following matter:

Preservation of a wetland area behind his home.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Inquired how the town goes about bonding a project.

Benklemen, Marie, 681 Pleasant View Drive, spoke to the Town Board on the following matter:

The use of construction trailers on the Tops construction site and the need for a special permit to allow them on the premises.

Louth, Gary, 375 Stony Road, spoke to the Town Board on the following matters:

When will the new speed limit signs be posted on Stony Road?

What does "R" mean on Road Truck signs?

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER VAN NORTWICK, AND SECONDED BY THE ENTIRE
TOWN BOARD AND CARRIED, the meeting was adjourned at 10:05 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk